

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Bill Roth, J.M. Inhofe, Paul D. Coverdell, Bill Frist, Slade Gorton, Olympia Snowe, Spencer Abraham, Rick Santorum, Bob Smith, Jon Kyl, Dan Coats, Craig Thomas, Conrad Burns, Phil Gramm, Thad Cochran, Mitch McConnell, Richard Shelby, Fred Thompson.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, although progress has been made today, there are still approximately 30 amendments on the list to be considered. The managers say many of those approximately 30, at least some of them, will not be offered. But until they are formally stricken from the list, there is still the risk they could each be called up. The majority leader has made it very clear. He has been very patient in trying to work through this bill and the amendments thereto. The bill's managers certainly have been working very assiduously to try to reduce the amendment list and bring this to closure.

Also, the leader has made it clear he intends for us to complete this bill this week. In order to do that we have to work through this list, either have them stricken or acted on. If we do not get them completed tomorrow at a reasonable time, then it would go beyond that.

I understand there are only a few issues that still really need to be resolved. However, if they cannot be resolved amicably then it may be necessary to close off debate. If cloture is invoked, I am not sure exactly how many of these amendments are not germane, but those that are not germane would then be dealt with through the cloture motion and we could move on to the remaining amendments.

If going through cloture appears to be necessary tomorrow afternoon, it will be agreeable to this side of the aisle to waive the intervening day and have the cloture vote tomorrow. But I know there would be discussion between the majority leader and the minority leader before that would be done. I just wanted to put that out on

the RECORD tonight. Perhaps we can get this thing really moving tomorrow, and it will not be necessary. But in order to deal with the time requirements, it was essential we put the cloture motion down at this time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the hour is late. I do not plan to debate this. In fact, there is no debate on a cloture motion, obviously. It can be filed at any time.

I am sorry it has to be filed or the majority feels it has to be filed in that I think we have had a very productive day here. We have worked very hard all day today. I just asked staff to total up what we had done today. We had five amendments accepted, one was withdrawn, and one was set aside. In that breakdown of five that were accepted, three were Democratic ones and two Republican. We had one amendment debated that was put over for vote tomorrow, and that vote will occur tomorrow morning. And we had three amendments tabled.

That is 11 effective actions on this bill today. I think that is rather good progress. I would say to my friend from Mississippi—we will not go into the whole litany of how we got to where we are—but we lost the first several days working on this bill basically because of what happened in committee, where we had actions taken in committee to speed this to the floor that prohibited any amendments. We were guaranteed once this reached the floor there would be plenty of time for all the amendments, to take them up on the floor. Now we get to the floor and the attempt is made to restrict or at least discourage amendments from coming up. That violates at least the spirit of what we were told in committee.

In committee also, the action there that caused us to lose quite a bit of time was the action wherein there was not a committee report sent. For those who are not familiar with how important a committee report is, it is what in layman's language explains to all the Senators and their staffs what the technical legalese language is in the bill itself. So on something like this that really is landmark legislation, that report was very important. We objected to the bill being filed without the report. We were voted down on that, and that was the issue that Senator BYRD took up—and quite successfully. On that issue alone, we spent some 2 or 2½ days.

Then we are finally told we can get the report, but then when the time came for the report to be filed it was not filed and we lost another day. Then we found out the Budget Committee, which also has jurisdiction over this, had not filed their report and that took another day.

So about the first 5 days, in fact the first week that this legislation was up, I submit we lost that time basically because of the actions that were taken in committee that I have never seen—in

my 20 years here, I have never seen actions like that, where the minority was denied a report.

I know I chaired the Committee on Governmental Affairs for some 8 years, and the only time we ever sent a bill to the floor without a report was with the complete acceptance of that move by the minority. So I think the first 5 days we can mark off as being days, rancorous though they were here on the floor, that were caused by the attempt to bypass the normal procedures of the Senate.

I think with all that behind us, we are back on track now. We are dealing with this. I want to move as forcefully and as fast as possible. We had a good day yesterday. I do not have a summary of what happened yesterday, but today we have had 11 effective actions and I just hope we can continue moving tomorrow and I hope we do not have to exercise a cloture motion. I just wanted to spell that out.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, I want to say again I know the distinguished Senator from Ohio has worked very hard to try to move it forward. I know it has not been easy. I know he worked on it last year and great progress was made last year. That effort made it possible for us to have a bill this early in this session. I acknowledge that, and I want to take this opportunity on behalf of all his colleagues to commend him, and certainly our distinguished colleague from Idaho, Senator KEMPTHORNE, who has really been very diligent in trying to work through this, also.

But I do want to point out a couple of things. This is the 9th day that we have been on this bipartisan, I thought relatively noncontroversial, bill. There have been some actions that have been taken that have added some language to the bill. I believe the Senator would say he has made some improvements as he has gone along.

Mr. GLENN. Will the Senator yield?

Mr. LOTT. Sure.

Mr. GLENN. As I pointed out a moment ago, 9 days is correct that we have been on this bill. The first 5 days we lost, as far as effective action on the bill goes, because of what happened in the committee and the speed of putting in the bill in the Senate one day, having a hearing the next day, the markup the third day, no report, and over our objections in the minority. We had repeated votes in committee, and it was a wrangle over that here on the floor—my distinguished colleague from West Virginia was involved. It was that wrangle on the floor about the filing of reports that were not filed when they were supposed to be, even after agreement they would be filed—it was that issue alone that caused us to lose the first 5 days.

The last 4 days, where we have really been operating on this bill, especially the last 2 days, we have made excellent progress. As I said—we read off the list

that we had today—we have had 11 effective actions on this bill today.

Mr. LOTT. Mr. President, if the Senator will yield on that, when you say 11 effective actions, do you mean 11 amendments? Or seven amendments? How many amendments were disposed of?

Mr. GLENN. As I said a while ago, Mr. President, we had accepted five amendments; there were three on the Democratic side and two on the Republican side that were accepted—effective actions. We had one that was withdrawn. We had one that was set aside. We had one that was debated with the vote to occur tomorrow, and three were tabled. That is 11 effective actions, as I total them up.

So we are moving on this, is my point. I know cloture has been filed. This is not the time to debate cloture.

I just want to balance all of the blame we have been getting and the heat around us over here. I think it is not justified. At least the first 5 days that this was on the floor were not effective days for other reasons. They were noneffective days because of what happened in committee, which I think was unwarranted.

Mr. LOTT. Mr. President, I certainly understand what the Senator has said. I would like to note that, while I think progress was made today, we would all acknowledge that, at that pace, since we dealt with I guess 5 amendments today, on that basis it would still take us another 5 or 6 days with approximately 30 amendments pending. Even though we made good progress, if we are able to dispose of five or six a day, this thing could keep going on down the line. Certainly in the first couple of days a lot of discussion was delivered or exchanged on reports.

I point out that objection was heard, and an effort was made to get the reports filed. I have before me the two reports. In fact, the report from the Governmental Affairs Committee was available on the 12th of January. That is a Thursday. It is 45 pages long. I am sure the Senators have had more than ample time to review that in these succeeding days. Then the report from the Budget Committee was available on Friday the 13th. There are 38 pages there. Certainly there was time to review that.

So the objection was made, and the reports then were printed and made available in a way that everybody could have a chance to review them. I want to make sure that point is made, that the reports have been available now for 12 or 13 days.

Then also just one other point. Talking about the time lost the first couple of days, I think it is fair to note that the majority leader properly and because of his appreciation for the family and the need for various Senators to attend a funeral earlier this week, we in fact did not have any votes. There was not a lot of action on Monday even though we were scheduled to have votes any time after 4 p.m. In fact,

they did not occur until late on Tuesday to accommodate a lot of Senators. We do not blame anybody for that. Those things happen. A compassionate leader would always honor that.

There are arguments on both sides. But I think the leader wanted to make sure that he took action to try to deal with this problem. For instance, if maybe we could get some information as to how many of these amendments will be stricken from the list, that would help. I understand that has not been available. If it is not approximately 30, if in fact it is 15, then that would make a lot of difference.

Mr. GLENN. The Senator is absolutely correct. I agree with that. We have already asked that be checked on our side to see how many will probably not be called up so we will know what is on the list. There are serious amendments left. And I am hoping the same thing can be done on the Republican side so we can combine things and maybe start getting some time agreements and so on.

Just one further statement on this. One of the reasons I think there were some amendments filed on this is because when people finally had a chance to read the reports and understand what was in the legislation, they had some concern about it. So they started filing their amendments. These have been substantive amendments which we have been considering.

Mr. LOTT. Does the Senator mean today or yesterday?

Mr. GLENN. Most of them yesterday and today. The ones that Senator LEVIN put in and several others here today. Some not dealing directly with this would have been accepted in committee. I grant that. But I think because we finally got the report people had a chance to look at it and understand what was in the bill. That is one reason we had so many amendments. Had we been permitted to do this in committee, I think there would not be nearly the number of amendments when we got to the floor.

Mr. LOTT. One response, if I could, I understand. Like the Senator from Ohio, I do not want to go on at great length. A lot of these amendments in that long list of about 100 certainly were not germane and not relevant to this bill. We spend a lot of time on both sides on things like history standards, the abortion clinic violence, and maybe the pornography—a lot of amendments in which it would be a huge leap to say that they really were urgent right now and that they were really relevant to this bill. But I think maybe we have been through that exercise and now we are down to really trying to deal with the amendments that have been offered that really are of concern.

I hope maybe we can complete that, and maybe in the spirit that the distinguished Senator from Ohio was exhibiting here tonight we will move right along tomorrow and be able to bring it to a conclusion.

Mr. GLENN. We will do our best.

Mr. LOTT. Mr. President, I will have a final closing statement, unless any other Senator would like to be heard at this time.

#### MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-244. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the report on unauthorized appropriations and expiring authorizations dated January 15, 1995; to the Committee on Appropriations.

EC-245. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-16; to the Committee on Appropriations.

EC-246. A communication from the Deputy Assistant Secretary of the Air Force, transmitting, pursuant to law, notice of a cost comparison of base operating support; to the Committee on Armed Services.

EC-247. A communication from the Chair of the Defense Environmental Response Task Force, Under Secretary of Defense, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Armed Services.

EC-248. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the B-1 Conventional Mission Upgrade Program; to the Committee on Armed Services.

EC-249. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Advisory Board on the Investigative Capability of the Department of Defense; to the Committee on Armed Services.

EC-250. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Tunisia; to the Committee on Banking, Housing, and Urban Affairs.

EC-251. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-252. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-253. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-254. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration's annual report for fiscal year 1994; to